

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

VS.

MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR
PRODUCTS INC., MICRON
TECHNOLOGY TEXAS LLC,

Defendants.

Case No. 2:22-CV-294-JRG

JURY TRIAL DEMANDED

**PLAINTIFF NETLIST INC.’S MOTION REQUESTING ENTRY OF FINAL
JUDGMENT**

Netlist respectfully requests that the Court enter final judgment in this case. On May 23, 2024, the jury returned a verdict that Micron willfully infringed the '912 and '417 Patents, and awarded \$425 million in past damages for the '912 Patent and \$20 million in past damages for the '417 Patent. Dkt. 135. The jury verdict fully resolved the parties' outstanding claims and defenses, and Micron previously notified the Court that it is not pursuing any equitable defenses. Dkt. 123 ("Micron will also not be asserting equitable defenses at trial."). The only matter currently pending before the Court is whether to enhance damages pursuant to the jury's willfulness finding, which can be addressed post-judgment. Netlist respectfully requests that final judgment issue so that this case can proceed promptly through post-trial motions and to appeal, ensuring that the Federal Circuit can hear any appeal in this case together with the appeal in the '912 Patent IPR proceeding.

Micron's only stated basis for opposing entry of final judgment is that it believes final judgment should not issue until the IPRs have concluded. Administrative proceedings are not a valid basis for withholding final judgment in this case where there is nothing left for this Court to do prior to judgment, and in fact the IPRs are yet another reason to enter final judgment promptly so that this case can proceed to appeal along with any decisions in the IPRs. The Federal Circuit will ultimately need to resolve any interplay that may exist between the IPRs and the judgment in this case, and should be able to do so with the full record of both proceedings before it.

Dated: May 29, 2024

Respectfully submitted,

/s/ Jason Sheasby

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Attorneys for Plaintiff Netlist, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on May 29, 2024, a copy of the foregoing was served to all counsel of record.

/s/ David Kahn
David Kahn

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the parties telephonically met and conferred on May 29, 2024 and Micron stated that it opposes this motion.

/s/ David Kahn
David Kahn